

**REMARKS**

Claims 1-16 were previously pending. Claim 1 has been cancelled. Claims 17 and 18 are added. Accordingly, claims 2 - 18 are presently pending.

**I. Claim Rejections - 35 U.S.C. § 102**

Claim 1 has been cancelled, obviating the rejection under 35 U.S.C. § 102(b) wherein claim 1 was alleged to have been anticipated by Aubusson (WO 9012387).

**II. Claim Rejections - 35 U.S.C. § 103**

Claim 6 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Aubusson (WO 9012387). For the following reasons, this rejection is respectfully traversed.

Claim 6 recites (among other things) the use of ZnS:Cu (Zinc Sulphide: Copper) for green fluorescent material. At least this limitation is not taught or suggested by the Aubusson reference. In contrast, Aubusson discloses the use of ZnCdS:Cu (Zinc Cadmium Sulphide: Copper). Accordingly, at least for this reason and the following reasons, claim 6 is respectfully presented as being patentable.

Claim 6 further recites (among other things) the use of ZnCdS:Ag (Zinc Cadmium Sulphide: Silver) for red fluorescent material. The grounds of rejection state that the instant invention's use of ZnCdS:Ag amounts to an obvious design choice. In response, it is respectfully requested that the Examiner provide a reference that teaches or suggests that the use of ZnCdS:Ag amounts to an obvious design choice. Without such a reference, it is respectfully

asserted that the rejection cannot stand. At least for this reason, the previous reasons and the following reasons, claim 6 is averred to be patentable.

Additionally, because Aubusson indicates that certain phosphors would not be expected to work under all excitation conditions, there is no reasonable expectation of success in using the ZnCdS:Ag in lieu of Aubusson's Y<sub>2</sub>O<sub>2</sub>S:Eu:Tb (*see* Aubusson at page 9, lines 6 - 12).

Accordingly, it is respectfully asserted that at least for this reason and the previous reasons, claim 6 is patentable.

### **III. Allowable Subject Matter**

Claims 2-5 and 7-16 have been rewritten to include the limitations of respective base claims and intervening claims, thereby conforming to the Examiner's statement of allowable subject matter as noted on page 3 of the Office Action dated February 12, 2003. Accordingly, in light of the instant amendment to the claims (as well as the individual recitations of each claim) it is respectfully asserted that these claims are in condition for allowance and should pass to issue.

### **IV. New Claims**

New claims 17 and 18 are respectfully asserted as being patentable at least for reasons analogous to those reasons finding claims 2 - 16 patentable, as stated above.

### **V. Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.111  
U.S. Application No. 09/987,049

Attorney Docket No.: Q67279

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Date: May 9, 2003

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jason C. Beckstead", written over a horizontal line.

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